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AF/3729

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES



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*Mary Ann Copas*  
Mary Ann Copas, Secretary

In the Application of Melvin Hatch

Ser.No.: 09/941,029

Filed: August 28, 2001

For: HEAT CONDUCTING SUPPORT FOR CURVED BOTTOM VESSELS

Art Unit: 3727

**RECEIVED**

Examiner: Joseph C. Merck **APR 01 2004**

TECHNOLOGY CENTER R3700

Commissioner for Patents  
Alexandria VA 22313-1450

**MAIL STOP: PETITION**

**REPLY BRIEF IN RESPONSE TO EXAMINER'S ANSWER DATED 01/23/04**

Sir:

In response to the Examiner's answer, the following comments are offered.

Applicant's claim 1 provides, in part, a heat-conducting support having an inner portion 21, an outer portion 24, and a base 26 for placement on a heating element, wherein the inner portion 21 has no apertures and is concavely curved to support a vessel having a round or curved bottom.

With regard to Golden, it is respectfully submitted that the fact that this reference does not even provide a heat-conducting support is relevant, as outlined in MPEP section 2111.02, the second paragraph of which indicates that the claim preamble is relevant if it is necessary to give life, meaning, and vitality to the claim, which Applicant submits is the case in the present situation. However, the analysis does not end here, because

Applicant's claim 1 also requires that the heat-conducting support have a base 26 for placement on a heating element, which is certainly a limitation that is missing from Golden.

With regard to Applicant's "round" language, it is furthermore respectfully submitted that one of ordinary skill in the art understands that a "round bottom vessel" refers to a vessel that does not have a flat bottom. Nonetheless, Applicant is willing to change "round" to "rounded" if desired by the Examiner, or to even delete the term "round".

As indicated above, Applicant's claim 1 also has an inner portion 21 that, in order to support a vessel having a round or curved bottom is concavely curved. In contrast, Golden has a substantially flat support surface since the vessels that it is intended to support are also flat. Thus, it is respectfully submitted that not only does Golden not teach Applicant's required "concavely curved" limitation, it would even teach away from such a limitation. On page 6 of the final rejection dated 01/31/2003, the Examiner clearly states that Golden does not teach a curved bottom.

With regard to Applicant's claims 5, 9, 10 and 11, it is respectfully submitted that Appellant's Appeal Brief adequately addresses these claims.

With respect to the rejection of claims over Golden in view of Spremulli, it is respectfully submitted that the Examiner is not properly applying the rules regarding analogous art. In particular, as stated in the first paragraph of MPEP section 2141.01(a), a reference must either be in the field of Applicant's endeavor... . Therefore, Spremulli is clearly not in the same field of endeavor as is Applicant's heat-conducting support, with the field of endeavor of Spremulli being garbage cans. Nor is Spremulli reasonably pertinent to the present inventor's problem of providing improved heat transfer to a vessel. One of ordinary skill in the art would not look to a garbage can disclosure for any suggestion regarding improvement to a heat-conducting support.

For the sake of completeness, with regard to the petition as to whether the drawing proposal for Fig. 1a contains new matter, Applicant is awaiting a decision on his request for reconsideration.

In view of the foregoing, it is respectfully requested that the Honorable Board of Patent Appeals and Interferences overrule the final rejection of claims 1 – 7 and 9 – 18 over the cited art, and hold that Appellant's claims are allowable over such art.

Respectfully Submitted,



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for applicant(s)

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